

The Modern President:  
Imperial or Imperiled?

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## Abstract

Arthur Schlesinger, Jr.'s *Imperial Presidency* (1973) and Richard Neustadt's *Presidential Powers* (1960) are two of the most influential works on the presidency. These two classic works serve as the foundations for this essay that examine the presidency after September 11, 2001. After the terrorist attacks on September 11, 2001, the presidency saw a rise in its power to control the foreign policy arena and operate with relative autonomy from Congress. Some scholars, journalist, and political observers believed this rise in power to be a resurrection of the imperial presidency.

This paper examines what the imperial presidency was by reviewing the Johnson and Nixon administrations. Their strengths and weaknesses are highlighted. Then the presidencies of George W. Bush, Barack Obama, and Donald Trump are reviewed in a similar manner. This paper emphasizes that their strengths may be similar at times, but so are their weakness. For the 21<sup>st</sup> century presidents, their strengths are not as significant and their weakness are much greater.

This paper argues that the post 9/11 presidency is weaker due to the increasing public distrust in the government and transformations in the media. The post 9/11 presidency has a much more difficult time operating in secrecy due to transformations in the media. This is compounded by a widespread distrust in the government resulting from Watergate. The general distrust in the public and scandals that able to be exposed hurt the president's prestige and reputation. Often, threats they face do not lead to congressional consent and as the 9/11 becomes more distant, so do the powers that made them appear to be comparable to former presidencies.

## Introduction

In the wake of Watergate, Arthur Schlesinger, Jr., wrote *The Imperial Presidency* (1973), which argued the presidency had accumulated power to a degree that threatened the constitutional system. The term “Imperial Presidency” has been traditionally reserved for describing the Cold War presidents that unilaterally controlled the foreign policy arena and used utilized secrecy to conceal their actions both foreign and domestically. After the terrorist attacks on September 11, 2001 (abbreviated as 9/11), President George W. Bush displayed tremendous executive power in his foreign relations and domestic security through his counterterrorism strategies. This display of executive power was shrouded in secrecy and corruption. Scholars, journalist, and political observers dubbed the post 9/11 presidencies a reemergence of the Imperial Presidency<sup>1</sup>.

Although the post 9/11 presidencies have shown demonstrations of power mirroring those of the Cold War Imperial Presidency, the public’s distrust in the government and transformations in the media have revealed the post 9/11 presidency to actually be weaker in its abilities to operate in secrecy and control foreign policy.

The traditional approach to presidential strength and weakness has been derived from Richard Neustadt’s *Presidential Powers* (1960). Neustadt uses two quotes from Harry Truman to present his themes. Truman described the presidency as, “I sit here all day trying to persuade people to do the things they ought to have sense enough to do without my persuading them ... That’s all the powers of the President amount to.”<sup>2</sup> As Eisenhower won the election, Truman said, “He’ll sit here and he’ll say, ‘Do this!’ ‘Do that!’ And nothing will happen. Poor Ike – it won’t be a bit like the Army. He’ll find it

very frustrating.<sup>3</sup>” Richard Neustadt’s *Presidential Power* (1960) claims the presidency is inherently a weak position and the president’s primary method of action is through the required use of persuasion. His powers are determined by his personal abilities to influence other actors to perform the duties desired by the President. The power of persuasion is reinforced by the reputation of the President amongst the public and the Washingtonians<sup>4</sup>. A president’s ability to use individual skills to increase their reputation and prestige is essential for strong leadership. Even as an observer of the Johnson, Nixon, and Reagan presidencies, Neustadt wrote, “Compared to all other positions, even a ‘strong’ President is weak.”<sup>5</sup>

### The Cold War Imperial Presidency

After WWII, the United States viewed the Soviet Union to be its largest threat. The American fear of Communism and fear of the Soviet’s military capacity from 1945-1952 is captured in George Kennan’s *Long Telegram*, “X” article, the Truman Doctrine, the Marshall Plan, the National Security Act, and the North Atlantic Treaty. These events expressed the government’s desires to establish a tradition of war measures in peacetime that evolved into the National Security State<sup>6</sup>. The National State refers to executive institutions that are permitted to operate with a layer of secrecy justified in the name of national security<sup>7</sup>. The institutions that composed of the National Security State allow presidents to act unilaterally and in secrecy<sup>8</sup>.

Studies from the National Opinion Research Center (NORC) also confirms the population was on par with the direction of the government in the prior to the Americanization of the Vietnam War<sup>9</sup>. In 1951 and 1952, the NORC conducted surveys asking, “If you had to choose, which would you say is more important – to keep

Communism from spreading, or to stay out of another war?” Around two-thirds selected “keep Communism from spreading.”<sup>10</sup> Surveys between 1955 and 1956 showed that 81 percent of the respondents approved economic assistance to countries willing “to stand with us” in opposing Communist aggression<sup>11</sup>.

The Imperial Presidency encourages the idea that the president’s commander-in-chief authority had usurped Congress’ power to declare war. This allowed the President to freely act without Congress in foreign affairs. When the President did inform Congress on important foreign relations, it often provided misleading and exaggerated information. Johnson described the Gulf of Tonkin Incident as an aggressive North Vietnam attack on the US destroyer Maddox that was unprovoked and during a routine patrol in international waters<sup>12</sup>. However, the Maddox was on an espionage mission in waters claimed by North Vietnam. The Maddox was allegedly attacked twice, but it was later established that the second attack did not actually happen. When the incident was presented before Congress, intelligence officials intentionally omitted information that would have discredited the second attack<sup>13</sup>.

#### Vietnam and Cambodia

After the Gulf of Tonkin Resolution was passed, Senator John Sherman Cooper was questioning if it was necessary to give Johnson that much authority and if he could lead any number of people into war. Senator Fullbright, who was managing the bill, responded, “That is the way I would interpret it. I have no doubt that the President will consult with Congress in case major change in present policy becomes necessary.”<sup>14</sup>

Johnson then escalated the war to a degree that most Congressional supporters of the Tonkin Gulf Resolution did not anticipate or desire<sup>15</sup>. The Tet Offense presented a

completely different situation from Johnson's positive commentary in previous reports. From 1964 to 1965, Johnson "positively built up expectations sure to be frustrated by a war of long duration.<sup>16</sup>" This led to an immediate decrease in support from the public, media, Congress, Party, Cabinet, Staff, and advisors<sup>17</sup>. When Nixon takes office, it was revealed that he ordered secret bombings in Cambodia without formally informing Congress. This prompted massive protest in universities throughout the nation and was named as one count for Nixon's impeachment but it was not pursued in the end<sup>18</sup>.

The media coverage of Vietnam has been accused of being a primary reason for the loss of public support. ABC news Anchor, Frank Reynolds declared that Vietnam will be the first televised war and shown with "all its horrors." Johnson was obsessed with the war coverage and thought the reporting was unfair. Johnson was deeply concerned because he knew a majority of Americans used television as their primary news source<sup>19</sup>. He was so frustrate with CBS and NBC, he alleged them to be "controlled by the Vietcong.<sup>20</sup>" General Weyand once stated, "... There is no such thing as a 'splendid little war ... We should have made the realities of war obvious to the American people before they witnessed it on their television screens.<sup>21</sup>" Both Johnson and the Pentagon claimed the bombings in North Vietnam were "surgical" and only use for destroying targets with military value<sup>22</sup>. Harrison Salisbury reports from inside North Vietnam described the bombings devastating the lives of innocent civilians. Salisbury's reporting depicted American bombings as an atrocity to the American public and created a newfound demand for the U.S. military accountability<sup>23</sup>

## Watergate

The Nixon administration has been acclaimed as the climax of the twentieth-century Imperial Presidency. Prior to Vietnam and Watergate, the presidency had developed a high trustworthy status among the citizens that began in the New Deal era<sup>24</sup>. Additionally, scholars and observers had formed a common consensus that it was in the best interest of United States for the President to have the ability to exercise a considerable amount of power<sup>25</sup>. The casual acceptance of a powerful executive began to diminish as a widely held view after the Nixon administration<sup>26</sup>.

*“But then came Watergate. It was a subversion and corruption of the political process. Nixon did not invent the tactics so much as extended and refine them. For he inherited most of the short cuts, the growing reliance on secrecy and deceit, from several of his predecessors. But unlike them, he was caught.”<sup>27</sup>*

Daniel Ellsberg was particularly shocked at the ineptitude of the government in Vietnam. He was appalled at the confusion and lack of complete plans for America's involvement. He famously leaked the Pentagon Papers that showed the governments true despair<sup>28</sup>. The papers ended in 1967, and Nixon initially saw the leak a benefit, because it described wide-scale mismanagement that could be pinned on the Democrats<sup>29</sup>. However, Nixon had an obsession with secrecy and overreacted to defend his privacy<sup>30</sup>. In order to stop leaks, members of Nixon's staff formed, the “plumbers.” Nixon set his sights on Ellsberg and the “plumbers” to illegally enter Ellsberg's psychiatrist's office in an attempt to uncover secrets in his private life<sup>31</sup>. Nixon's ordering of the “plumbers” to commit burglaries and his other illegal schemes were exposed in the aftermath that

followed June 17, 1972 when 5 men, who were later connected to Nixon, were arrested at the Watergate hotel for attempting to infiltrate the offices of the Democratic National Committee<sup>32</sup>.

Leakers continued to be a problem for the Nixon administration. The *Washington Post* was being feed insider information from the associate director of the FBI, W. Mark Felt, commonly known as “Deep Throat.”<sup>33</sup> His anonymous information helped keep the story alive in the press. The *Washington Post* was able to use Felt’s information to direct the discussion Watergate from break-in scandal to corruption, spying, and sabotage, orchestrated by White House<sup>34</sup>.

As The Senate Select Committee began investigating, the cover up of Nixon’s involvement began to collapse. Once it was revealed that Nixon had kept recordings of conversations that occurred in the Oval Office, the Senate Select Committee and special prosecutor Archibald Cox issued subpoenas for the tapes<sup>35</sup>. Nixon asserted that executive privilege allowed gave him the right to withhold the tapes<sup>36</sup>. Nixon’s next response was to fire the Archibald Cox; however, both his Attorney General and Deputy Attorney General opted to resign instead of comply with the presidents demands. Eventually, Robert Bork carried out the task and Cox was fired in an event known as the “Saturday Night Massacre.”<sup>37</sup> The “Saturday Night Massacre” intensified the prospect of impeachment<sup>38</sup>.

The White House was unable to explain an 18 ½ minute gap on one of the subpoenaed tapes. Initially, Nixon’s Secretary Rose Mary Woods stated she unintentionally corrupted the first 5 minutes of the tape<sup>39</sup>. She claimed that as she went to answer a phone call, her foot pressed a pedal that caused the tape player to record<sup>40</sup>. She



claimed the unintentional recording had overridden the original material contained on the tape<sup>41</sup>. She was asked to demonstrate the accident by reporters<sup>42</sup>. Her demonstration quite clearly showed she was being dishonest<sup>43</sup>. In order to reach the phone while simultaneously pressing the pedal on the recording machine, she had to extensively reach in an obviously unnatural position for 5 minutes<sup>44</sup>. Additionally, the machine also required the record button to be pressed along with the pedal<sup>45</sup>. Her questionable story and carelessness was not taken seriously as cause for the missing content<sup>46</sup>. On December 7, 1973 Chief of Staff Alexander Haig stated the seemingly obvious when he accused a “sinister force” of erasing the 18 ½ minutes of content<sup>47</sup>. The investigations Nixon had used the IRS to target his rivals and engaged in corrupt fund raising tactics<sup>48</sup>. Impeachment proceedings, loss of public support, and loss of partisan support all concluded with Nixon’s resignation on August 9, 1974.

Regarding Nixon and Johnson, Neustadt claims “Their strength was in a sense illusory, however, for these are also symbols of their self-destruction<sup>49</sup>.” “Both Johnson and Nixon significantly damaged their primary policy objectives and prematurely ended their political careers<sup>50</sup>. It was reported that Johnson, in his later years, confessed, “I knew from the start that if I left the woman I really loved- the Great Society-in order to fight that bitch of a war... then I would lose everything at home. All of my hopes... my dreams.<sup>51</sup>” Their use of power produced short-term success, which invited negative effects on power prospects. In response to Watergate, Congress passed campaign finance reforms. In response to Vietnam, Congress passed the War Powers Resolution. Neustadts reflected on Congress’ response by writing, “What the resolution puts beyond dispute is that [the president] possess precisely the initiative asserted by Truman and Nixon.

Congress of course can intervene with a specific ban, as on Vietnam and Cambodia after 1973. Congress always could.<sup>52</sup>” Johnson and Nixon damaged sources of presidential influence, explicitly the professional reputation inside Washington and the president’s standing with the public<sup>53</sup>. The main goal for Congressmen is to get reelected; however the main goal for the President is to leave a legacy. The legacies of the Johnson’s handling of Vietnam and the Nixon administration left a stain of distrust that the White House has never been able to amend.

### The Bush Administration

On September 11, 2001 George W. Bush was visiting the Emma E. Booker Elementary School in Sarasota, Florida to promote educational reforms. At 8:46 am a commercial airliner hit the North Tower of the World trade Center<sup>54</sup>. President Bush was aware of the first attack but initially believed it to be an accident<sup>55</sup>. The President was listening to a reading lesson when his chief of staff interrupted and said, “A second plane hit the second tower... America is under attack.<sup>56</sup>” That evening Bush made an address to the nation,

*“The search is underway for those who were behind these evil acts. I have directed the full resources of our intelligence and law enforcement communities to find those responsible and to bring them to justice. We will make no distinction between the terrorists who committed these acts and those who harbor them.”<sup>57</sup>*

On September 18, 2001 Bush signed the congressional Authorizations to Use Military Force (AMUF). This resolution authorized the President, “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned,

authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

<sup>58</sup>" The vague language of the AUMF allows presidents to "target non-state actors, even on to the individual level, as well as states, and did not specify which states and non-state actors were included under the authorization."<sup>59</sup>" On October 7, 2001, U.S. forces launched air strikes in Afghanistan and the War on Terror began. Bush did not necessarily have to possess extraordinary persuasive and bargaining skills in to obtain this level of authority, because of his exceptional popularity or reputation.

In January of 2002, Bush declared the "Axis of Evil" that consisted of North Korea, Iran, and Iraq<sup>60</sup>. This speech seemingly evolved into policy as the Bush Doctrine. The Bush Doctrine asserted that the U.S. would engage in preemptive warfare to prevent any terrorist group or enemy state before they develop the ability to attack<sup>61</sup>. The doctrine asserted the U.S. would act with or without international support and it endorsed expanding democracy throughout the world<sup>62</sup>.

Many Bush administrators that also served in the 1990s viewed Iraq as "unfinished business."<sup>63</sup> In 2001, with the military operations going soundly, the President began preparations for invading Iraq<sup>64</sup>. The British Prime Minister Toby Blair and Secretary of State Colin Powell advised the President to wait for U.N. inspections. However, Bush personally favored the idea of invading Iraq and sent Vice President Dick Cheney to a conference of eleven countries in the Middle East in order to gain support for a war<sup>65</sup>. President Bush was eventually persuaded by Powell to wait for U.N. action, with the understanding that the U.S. would likely enter a war. In 2002, both Cheney and Bush publically condemned Saddam Hussein and his possession of weapons of mass destruction (WMD)<sup>66</sup>. Many in the intelligence community accused Bush of "cherry-

picking” the intelligence to justify his war in Iraq and ignored the warnings of instability if Saddam were overthrown<sup>67</sup>. The agencies providing the information did believe Iraq to had WMD’s, but they did not possess the ability to use them<sup>68</sup>. Iraq did not agree to U.N. inspections and on March 17, 2003, Bush then ordered Saddam Hussein to leave Iraq within two days. On March 19, 2003, U.S. and British forces began the War in Iraq<sup>69</sup>.

The invasion of Iraq and the AMUF had many hallmarks of the previous presidents deemed as imperial. Like Vietnam and the Gulf of Tonkin incident, the Iraq War was justified upon suspicious evidence. Similar to the Gulf of Tonkin Resolution, the authority granted in the AMUF was profoundly stretched. The Bush administration restricted the rights of citizens suspected of terrorism. Using the AUMF and the authority of the commander-in-chief, the Bush administration was able to classified detainees as “unlawful enemy combatants,” which denied them rights reserved for prisoners-of-war<sup>70</sup>. Both Nixon and Bush authorized illegal surveillance<sup>71</sup>. To prevent the accumulation of evidence, Bush issued executive orders to impede the Freedom of Information Act to make it more difficult to abstain disclosures<sup>72</sup>. Both Nixon and Bush invoked executive privilege to shield themselves from Congressional investigations. These parallels, unilateral action, and unconstitutional measures serve as the supporting details for the presidency becoming Imperial.

*“George W. Bush’s counterterrorism initiatives—warrantless surveillance, targeted killings, detention without trial, military commissions, limitations on habeas corpus, aggressive interrogations, and much more—were unthinkable on September 10, 2001<sup>73</sup>”*

Proponents of presidential weakness can view the Bush administration comprehensively by examining the end results of Bush's unconstitutional actions. They opened his administration up for endless criticism. The Democrats found this endless criticism helpful for in the midterm elections. In 2006, Democrats took control over both the House and Senate in 2006 and Bush experienced one of the worst second terms for any President<sup>74</sup>. Many of the main focus points of the Obama campaign were aimed at removing Bush's counterterrorism tactics. Obama began popularizing the weakening of the presidency and taking actions as President to weaken its powers. From this, Bush created enemies of a powerful presidency, which has a lasting negative impact on his successors.

The Bush administration's image and influence were diminished by the numerous counterterror related scandals. In 2004, the Abu Ghraib scandal emerged. Detainees at the US Army detention center were subject to humiliation and torture. In April of 2004, "60 Minutes II" broadcasted photos of the detainees being tortured and humiliated (-21). The photos were able to be distributed to journalist due to digital cameras JPEG compression files, email, and broadband Internet<sup>75</sup>. The treatment of Iraqi detainees severely damaged the reputation of George W. Bush and the United States around the world. General Petraeus described Abu Ghraib as the United States' greatest military defeat since 9/11<sup>76</sup>. The aftermath of this scandal led to further investigations and more scandals emerging for the Bush administration. These included secret prisons, a CIA interrogation program that used morally impermissible tactics, and unwarranted surveillance programs. Stephen Grey disclosed maps of CIA flights and secret prisons by studying "digital signals emitted by airplanes along with online flight logs, flight-tracking databases on the

Federal Aviation Administration website, and data-mining software<sup>77</sup>.” The advancements in media seemingly create greater difficulties in maintaining secrecy, which exposes damaging material that diminishes the president’s credibility. Following the 2008 election, the Obama administration oversaw the termination of the secret prisons and CIA interrogation program<sup>78</sup>. Bush left an almost unprecedented amount of distrust in the government, a economic crisis, and two wars for his successor.

### The Obama Administration

On February 10, 2007, a rather unknown senator from Illinois announced his formal bid for the Democratic presidential nomination. On that cold Saturday, Obama stood at the historical grounds of the Old State Capital building in Springfield. It was the same site that Abraham Lincoln announced his candidacy<sup>79</sup>. Not long into his candidacy, Obama was being compared to John F. Kennedy<sup>80</sup>. Both candidates were unique in how they challenged the historical norm of presidential backgrounds. Kennedy knew if elected, he would be the first Catholic president. While Obama knew if elected, he would be the first African American to hold the office. In an interview Ted Sorensen, an 11-year aid to Kennedy, described his experience at Obama rallies, “The message, mannerisms, and atmosphere make it seem like the 1960 campaign once again.<sup>81</sup>” He emphasized Obama’s collected and self-assured allure by saying, “Both Kennedy and Obama have fantastically winning smiles and I might say both are very relaxed in front of an audience and on television.<sup>82</sup>” “They don’t shout into a microphone, they talk.<sup>83</sup>” Obama was not part of the establishment and his message was clear, “I want to end the politics of fear, the fever of fear.<sup>84</sup>” Despite his background, his message, and his ability to deliver his message, public never trusted the government during his administration. As Bush’s

scandalous presidency was ending, a poll in December 2008, revealed only 26 percent of respondents said they trust the government in Washington to do what is right “just about always” or “most of the time.”<sup>85</sup> In June 2009, another poll revealed only 20 percent trusted the government to do what is right a majority of the time<sup>86</sup>. Polls taken during the Nixon administration never fell below 30 percent<sup>87</sup>. Polls taken during the Obama administration never eclipsed 30 percent<sup>88</sup>.

*“His bargaining advantages in seeking what he wants are heightened or diminished by what others think of him... His look in ‘everybody’s’ eyes becomes strategically important for his influence. Reputation, of itself, does not persuade, but it can make persuasion easier, or harder, or impossible.”<sup>89</sup>*

Ever since Obama became a serious contender for the White House and became president, partisan charged rumors began to emerge about his relatively unknown past. Obama declared himself to be a Christian but there were rumors that he was actually a Muslim. In his first year as president, a poll in August showed 18 percent of Americans believed Obama to be a Muslim<sup>90</sup>. This number had risen from 11 percent in March<sup>91</sup>. In 2011, at a CPAC speech in February, Donald Trump claimed, “Our current President came out of nowhere, came out of nowhere. In fact I’ll go a step further. The people who went to school with him, they never saw him; they don’t know who he is. Crazy.” Obama was born in Hawaii on August 4, 1961, however, many accused Obama of having been born in Kenya<sup>92</sup>. This would then disqualify him as a presidential candidate. Even after his presidency, 51 percent of Republican participants claimed to believe Obama was never born in the United States<sup>93</sup>. The Bush administration significantly diminished the

trust in government and it seems as if the Republicans had turned that into an advantage during the Obama administration..

Obama was a fierce critic of the Bush era counterterrorism efforts. Confronted with the reality and responsibilities of preventing terror, Obama's view changed in the oval office. Obama realized closing Guantanamo was much more difficult than he ever anticipated on the campaign trail. He pledged to close the detention center throughout the campaign. Former Vice President Cheney pressured the Obama administration when he said, "When we get people who are more concerned about reading the rights to an Al Qaeda terrorist than they are with protecting the United States against people who are absolutely committed to do anything they can to kill Americans, then I worry."<sup>94</sup> The political forces supporting Cheney forced the Obama administration to step down from its early pledge to close Guantanamo. The Obama administration feared that they would look weak on terrorism<sup>95</sup>. In May 2009, Congress prevented Obama from transferring Guantanamo prisoners to the U.S. for military detention<sup>96</sup>. This was the first time in American history a president, whose party controlled Congress was not allowed to transfer an enemy soldier to another location. All Presidents had been freely doing this before Obama<sup>97</sup>. Bush had authorized the release of hundreds of Guantanamo detainees with no controversy<sup>98</sup>. The Obama administration then announced that the architect of 9/11, Sheikh Mohammed, his co-conspirators, and Umar Farouk Abdulmutallab, the "Underwear Bomber" would receive a civilian trial and given rights<sup>99</sup>. This decision costs the Democrats the Senate seat in Massachusetts. The Republican candidate, Scott Brown, memorably said, "In dealing with terrorist, our tax dollars should pay for weapons to stop them, not lawyers to defend them."<sup>100</sup> The White House had succumbed to the pressures



in Congress and abandoned its plans. These examples showed a substantially weaker White House when compared to the early years of the Bush administration.

Obama was unable to unilaterally control foreign relations consistently due to intense Congressional opposition. In 2014, Russia intervened in Ukraine and annexed Crimea. Both the President and Congress were in favor of imposing sanctions on Russia. However, Obama wanted to follow the lead of its European allies, while Congress wanted to impose harsher sanctions<sup>101</sup>. Congress passed more severe sanctions and due to its bipartisan support, Obama had to sign<sup>102</sup>. Congress was playing a larger role in foreign policy in this administration.

As a candidate, Obama was critical of the Bush administrations abuse of power, but as a president, Obama allowed drone strikes inside neutral countries. It was reported that Obama oversaw 563 drone strikes in his first two years as president, while Bush oversaw 57 strikes in eight years<sup>103</sup>. The drone strikes have contributed to civilian deaths; however, the actual number remains disputed. Aspects of Obama's use of drones have been compared to Nixon's bombings in Cambodia. In 2017, the number of drone strikes has risen significantly. Congress has been increasingly silent on restricting the president's abilities to authorize drone strikes<sup>104</sup>. Polls show that the majority of the public supports the usage of drones. Drones have been an effective tool in eliminating the leaders of terrorist operations and have allowed the U.S. to withdraw troops.

Drone strikes have received heavy criticism from lawyers and others inside and outside the Pentagon<sup>105</sup>. In 2010, the Center for Constitutional Rights and the American Civil Liberties Union filed a lawsuit against the Obama administration for its plans to target and kill Anwar al-Aulaqi (a U.S.-Yemeni citizen living in Yemen and alleged

terrorist<sup>106</sup>. Anwar al-Aulaqi was considered the, “the bin Laden of the Internet.” (36) He was believed to have helped in motivating numerous terrorist attacks and publishing of online bomb-making instructions<sup>107</sup>. “The human rights organizations argued the government was asserting a ‘sweeping authority to impose death sentences’ over U.S. citizens that had not been charged, tried, or convicted by a court. It asked the court to enjoin the President from killing al-Aulaqi until he presents an imminent threat and then only as a last resort.<sup>108</sup>” The case was dismissed because the court agreed with the government arguing, “Improperly injecting the courts into decisions of the President and his advisors about how to protect the American people from the threat of armed attacks, including imminent threats, posed by a foreign organization against which the political branches have authorized the use of necessary and appropriate force.<sup>109</sup>” The court reasoned that the Constitution reserved decisions on military targeting for the President and Congress<sup>110</sup>. Government lawyers have imposed restrictions on when presidents can target U.S citizens<sup>111</sup>. The lawsuits challenging the use of drones have contributed to pressuring the government, creating media attention, and disclosing information on targeted killings<sup>112</sup>. The Obama administration entered the White House showed a significant decrease in its ability to act autonomously. President Obama was able to act unilaterally in situations, but his administration suggests a definite regression.

The Obama administration experienced the two most significant leaks in history with Edward Snowden revealing secret surveillance operations run by the NSA and Bradley Manning releasing hundreds thousands of classified documents to Wikileaks. Leaks and journalism were making it much more difficult for presidents to hide their

actions and mistakes. This showed the increasing challenges of maintaining prestige and reputation.

### Trump Administration

On November 8, 2016, the entire world was shocked when Donald Trump, the businessman and reality TV star, defeated former Secretary of State Hillary Clinton without winning the popular vote. Donald Trump won the election despite, bragging about committing sexual assault, calling Mexican immigrants “criminals and rapist,” belittling John McCain’s military career, insulting the parents of a fallen soldier, mocking a disabled reporter, encouraging violence at his campaign rallies, and numerous other offensive acts. Trump’s intimidation and strong-arming of the other presidential candidates had many characterizing him to be a fascist<sup>113</sup>. The campaign results indicated that Trump possessed a considerable voter base that unconditionally supports him and does not encourage accountability. January 21, 2017, Trump was sworn in as the 45<sup>th</sup> president. Many believed that Trump’s fascist-like behavior would be dangerous when equipped with the presumably powerful post 9/11 presidency<sup>114</sup>.

It seems apparent, Trump has the least amount of unilateral control over the U.S. foreign relations in comparison the other post 9/11 presidencies. In the 2016 Presidential election, Donald Trump boasted of a “secret plan” that would ensure “total victory.”<sup>115</sup> Trump’s plan is seemingly the exact same as the plan adopted by President Obama<sup>116</sup>. The Trump administration has relaxed its oversight on the military. This raises questions whether Trump will be held accountable to the same degree as his predecessors<sup>117</sup>. It was reported that his administration has such a hands-off policy that General John Nicholson

was not required and did not obtain approval from Trump to drop the Massive Ordnance Air Blast bomb (MOAB)<sup>118</sup>. This bomb was dropped in Afghanistan in January and was the largest non-nuclear bomb ever used in combat. Trump has advocated for increasing the nuclear arsenal tenfold. This however seems unlikely because the New START Treaty makes this increase illegal<sup>119</sup>. Producing the amount of nuclear weapons Trump has advocated for would be estimated to be more than 100 billion dollars<sup>120</sup>. It would also seem unnecessary. As of 2010, the United States admitted to having more than 5,000 nuclear warheads and it is speculated that such an arsenal would definitely render the planet uninhabitable<sup>121</sup>.

Trump's unilateral capacity to influence foreign relations has been through wide spread growth of social media. This has become a primary platform for Trump to provide an unfiltered or restricted opinion. His rhetoric towards other nations has been quite profound, which has complicated foreign relations. Trump called the Iran Nuclear Deal, "one of the worst and most one-sided transactions the United States has ever entered into."<sup>122</sup> President Trump described Iran as, "Given the regime's murderous past and present, we should not take lightly its sinister vision for the future... The regime's two favorite chants are 'Death to America' and 'Death to Israel.'<sup>123</sup>" On October 13, 2017 Trump threatened to leave the deal if the Congress and the allies do not repose sanctions on Iran. The Republicans only hold a two-seat majority and Trump's former campaign opponent Senator Rand Paul supports the Iran deal. Senator John McCain and other Republicans have also claimed to be unsure on reposing sanctions. As of December 11, 2017, the Republican controlled Congress had not established any new sanctions, and was seemingly ignoring Trump's deadlines to address the Iran Deal<sup>124</sup>. Congress

additionally proposed policy that conflicted with Trump's foreign policy. Trump has made it apparent that he seeks a friendly relationship with Russia. A bipartisan Congress passed sanctions against Russia despite Trump's policy objectives. Trump's position towards Russia has been confusing due to allegations about collusion in the election. Leakers releasing information on possible ties between the Trump administration and Russia have also undermined the Trump administration.

Trump's dealings with North Korea have seemingly intensified the prospect of a nuclear-armed conflict. This conflict has also provided significant insight on the post 9/11 presidencies. In response to North Korean missile tests earlier in 2017, Trump declared the United States' patience was over. After additional North Korean missile test, on August 2, 2017, Trump threatened North Korea with "fire and fury."<sup>125</sup> Trump's hostile rhetoric was adding to the already high tensions.

Trump's recent recklessness seemingly mirrors the critical descriptions of Kennedy in the Cuban Missile Crisis. His intentions mirror those of McArthur. The United States' involvement in Libya and Iraq seemingly serve as a reminder that the United States is active in removing regimes. From Pyongyang, it could appear that the only indicator of national survival is to possess a nuclear deterrent. The Kim dynasty's narrative of defending against the United States is the foundation of its legitimacy and Trump's comments likely reinforced it<sup>126</sup>.

Despite the recent threats, experts suggest that North Korea would not strike first<sup>127</sup>. On September 26, 2017, General Joseph Dunford, Chairman of the Joint Chiefs of Staff, said that North Korea had not changed its military posture despite the tension between Kim Jong Un and Trump<sup>128</sup>. This further suggest that North Korea is not

preparing any military invasion on U.S. territories or its allies in the region. Secretary of State Rex Tillerson was attempting to negotiate and “calm things down” when Trump took to twitter and said, “I told Rex Tillerson, our wonderful Secretary of State, the he is wasting his time trying to negotiate with Little Rocket Man... Save your energy Rex, we’ll do what has to be done!”<sup>129</sup> According to a Washington Post-ABC News poll in late September, three-quarters of Americans opposed launching any preemptive military strike against North Korea. The poll found that 37 percent of adults trust Trump “a great deal” or “good amount” to handle North Korea responsibly<sup>130</sup>. However, 42 percent answered, “not at all” in regards to trusting Trump to handle North Korea responsibly. A majority of Americans feel that North Korea is most immediate threat to the United States, yet they do not support a preemptive action<sup>131</sup>. Congress is showing an initiative to limit the president’s ability to order military actions. Democrats have proposed the, “No Unconstitutional Strike against North Korea Act” which includes provisions aimed at preventing the President from ordering any preemptive attack on North Korea. The bill would have to attract Republican support in order to pass.

Trump’s reputation with the military towards the Trump presidency reveals signs of significant weakness. During his campaign, Trump suggested, “The other thing with terrorist is you have to take out their families.” General Michael Hayden responded, “The military would refuse to follow illegal orders such as the intentional killing of terrorists’ families.”<sup>132</sup> Retired General Robert Kehler reconfirmed this theme towards North Korea by claiming the Strategic Command can deny the President’s order if it is deemed illegal<sup>133</sup>.

This Even before he took office, Trump's personal abilities were causing reduction in the prestige and reputation of the office. Now that Trump has the title of Commander-in-Chief, the possibility of situation where even military refuses the president's orders seems conceivable. Schlesinger describes how the Cold War was able to produce the Imperial Presidency, "The Cold War, by generating a climate of sustained and indefinite crisis, aborted the customary reversion of power to the coordinate branches. The most visible sign of growing presidential imperialism was the transfer of power to go to war from Congress to the executive.<sup>134</sup>" Any countries threatening to use nuclear weapons on one another seems to create a sustained crises. With this potential threat on the rise, Congress, the military, and large sectors of the public have been expressing desires towards removing powers from Trump instead of granting them.

### Conclusion

The post 9/11 administrations have show signs of power that paralleled the administrations at the height of the Cold War. However, it seems in a multipolar world, the conditions that require the previous levels of power are less common. The former presidents deemed imperial were able to preserve their power, prestige, and reputation often through secrecy. The transformation of media and a generally suspicious public hold presidents more accountable and leave them fewer places to hide their mistakes.

Ellsberg recalled it taking months to copy the seven-thousand-pages of the Pentagon Papers. Each day he would take a few volumes in his briefcase and copy them on a Xerox<sup>135</sup>. He described the dreadfully tedious process, "One hand picked up a page, the other fit it on the glass, top down, push the button, wait . . . lift, move the original to the right while picking another page from the pile," and so on, all night long.<sup>136</sup>" The

process of releasing high volumes of classified information has become much easier, as Edward Snowden stole an estimated 1.7 million documents<sup>137</sup>. Neustadt concludes his observations as, “Presidents may look back on the Cold War as an era of stability, authority, and glamour. They may yearn for the simplicity they see in retrospect, and also for the solace.<sup>138</sup>” Presidents confirm words hold true. George W. Bush once remarked, “If this were a dictatorship, it’d be a heck of a lot easier.” After years of battling Congress, Obama described his job as,

*“What I didn’t fully appreciate, and nobody can appreciate until they’re in the position, is how decentralized power is in this system... ‘Okay, not only do I have to persuade my own party, not only do I have to prevent the other party from blocking what the right thing to do is... A lot of the work is not just identifying the right policy but now constantly building these ever shifting coalitions to be able to actually implement and execute and get it done.’<sup>139</sup>”*

As for Donald Trump, Neustadt’s position is clear, “The Presidency, to repeat, is not a place for amateurs.<sup>140</sup>” Trumps weakness, limit his capacity to influence the conduct of individuals who make up government. His presidency has revealed the importance of electing experienced leaders who understand that there is always more to something than what meets the eye. Trump appears to offer simple solutions to vastly complicated problems. If the Republicans lose Congress, it could result in an even weaker presidency. The United States has enjoyed stronger presidencies since WWII, the consequences of a profoundly weak president in the modern era seen to be unknown. Members of Congress have entertained the thought of placing restrictions on Trump; his



shortcomings could then result in long-term damages to the power of the office. A significant amount of power seems to have left the presidency since 9/11 and as that horrific day becomes more distant, so do the powers that made the presidents appear to be comparable to former presidencies.

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